



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, WEDNESDAY, JUNE 22, 2022

No. 106

## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, shepherd of our Nation and world, hear our prayer. Lord, we turn to You because You are an intervening God who has asked us to pray without ceasing. We sometimes have difficulty comprehending the effectiveness of prayer, but we trust Your precepts and honor Your commands.

Lord, empower our lawmakers as You use them for Your glory. May they strive to keep themselves pure and to turn away from sin, as You show them Your ways and teach them Your wisdom. Give them the wisdom to meditate upon Your mighty acts in the history of our Nation and world. Lord, encourage them to trust You with their future.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

JOSEPH WOODROW HATCHETT  
UNITED STATES COURTHOUSE  
AND FEDERAL BUILDING—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to S. 2938, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 2938, a bill to designate the United States Courthouse and Federal Building located at 111 North Adams Street in Tallahassee, Florida, as the "Joseph Woodrow Hatchett United States Courthouse and Federal Building", and for other purposes.

Pending:

Schumer motion to concur in the amendment of the House to the bill, with Schumer (for Murphy) amendment No. 5099 (to the House amendment), relating to the Bipartisan Safer Communities Act.

Schumer amendment No. 5100 (to amendment No. 5099), to add an effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Environment and Public Works, with instructions, Schumer amendment No. 5101, to add an effective date.

Schumer amendment No. 5102 (to the instructions (amendment No. 5101) of the motion to refer), to modify the effective date.

Schumer amendment No. 5103 (to amendment No. 5102), to modify the effective date.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

### EXECUTIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

### MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Judiciary Committee being tied on the question of reporting, I move to discharge the Judiciary Committee from further consideration of Arianna J. Freeman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

### BIPARTISAN SAFER COMMUNITIES ACT

Mr. SCHUMER. Mr. President, on the issue of our actions last night, yesterday, Democratic and Republican negotiators at long last released what the Nation has been waiting for for a very long time—a gun safety bill that can be described with three words: common sense, bipartisan, lifesaving.

As the author of the Brady background checks bill—the last major gun safety bill, which passed in 1994—I am pleased Congress is on the path to take meaningful action to address gun violence for the first time in nearly 30 years. The bill is real progress. It will save lives. It is my intention to make sure the Senate passes this bill before the end of the week.

Last night, the process to quickly pass gun safety legislation formally

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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began here on the floor after 64 Senators agreed to get on the bill. Let me emphasize that number again. Sixty-four Members came together last night to move forward—an unmistakable sign of the broad support and momentum behind this bill. That is good news for American families and American communities that have waited for years to see real progress against gun violence.

Once again, it is my intention now to keep the process moving quickly and secure final passage before the week's end.

A little over a month ago, our Nation witnessed two of the most traumatic mass shootings seen in years: a racially motivated attack in Buffalo and the worst school shooting in years in Uvalde, TX.

After these shootings, the Senate had a choice: We could succumb to gridlock and hold a vote on a bill with many things we would want but that had no hope of getting passed or we could try to find a bipartisan path forward, as difficult as it seemed to get anything done. Over the past 4 weeks, we chose to try to get something done.

Immediately after Uvalde, I spoke with Senator MURPHY, who has been our leader on these issues, and he asked me to give negotiators time and space to do their work. Given his long experience in this area, he thought that they could succeed. I was happy to agree because I knew that even if there was a chance to get something positive and tangible done on gun safety, it was well worth the effort. So I told Senator MURPHY I would give him the space he needed.

That quickly became the consensus of our caucus and the consensus of many of our gun safety advocates, who pressed us to secure real progress. We were all on the same page: Get something real done even if it might not be everything we wanted.

This proved to be the right decision because today we are only a few days away from passing the first major gun safety bill in nearly 30 years.

I want to thank all my Democratic and Republican colleagues for working together to reach this point. I want to particularly thank Senators MURPHY and SINEMA and all my Democratic colleagues who were part of the bipartisan working group. And, of course, I also want to thank Senators CORNYN, TILLIS, and my Republican colleagues who made the decision to tackle this difficult issue.

Most important of all, I want to thank all the survivors of gun violence, all the families and advocates who dedicated years of their lives to try to make a difference. This would not be possible without their years of work. No matter how many mass shootings have been met with gridlock over the years, these families never gave up on their hopes of making change happen. As I have told them, rather than curse the darkness, they lit a candle. They have turned their grief into action, and

now their action has brought us to the brink of passing the first significant gun safety bill in decades.

The negotiators have done their work. Now it is time for the Senate to complete the job and pass the bill before the end of the week. The American people have waited long enough.

#### INSULIN ACT

Mr. President, now on an insulin bill, another bit of good news, a bright light. Earlier this morning, my colleagues Senators SHAHEEN and COLLINS released legislation taking direct aim at one of the most confounding problems facing millions of Americans: the skyrocketing cost of insulin.

After months of hard work and good-faith negotiations, the efforts of my colleagues Senators SHAHEEN and COLLINS have produced the INSULIN Act. This bipartisan bill will cap insulin at \$35 a month, change the system that favors corporations instead of patients by keeping prices high, and help lower costs for millions of Americans with diabetes. It is my intention to bring the INSULIN Act to the floor of the Senate very soon, and it ought to pass this Chamber expeditiously.

Reducing the price of insulin is not a Democratic issue or a Republican issue; it is something that affects millions of Americans in every city and every State. In fact, State legislatures across the country have passed bills capping the cost of insulin for patients—not just blue States but some deeply red States as well.

Senators SHAHEEN and COLLINS approached me earlier in the year and said they wanted to draft a bill that not only capped insulin prices at \$35, but, in addition, they said they also wanted to have a bill that goes deeper and goes to the depth of the problem, to change the system of high prices that puts profits ahead of patients and lower the cost for millions of Americans with diabetes. I agreed that would be preferable. I encouraged them. And after a lot of work—hard work, diligent work—they have written a very fine bill.

Now, it is time for Congress to get the job done. If we can pass this bill, it will be a win for everyone—most of all, the millions and millions of Americans who rely on insulin to manage their diabetes.

There is no time to waste because the surge of insulin costs is one of the most infuriating trends of the past decade. For many people, the cost of insulin can climb up to hundreds of dollars a month, sometimes as much as \$400 or even more. It is horrible and infuriating.

Skyrocketing insulin costs means that many Americans have to ask some soul-wrenching questions: Do I pay for my groceries, or do I pay for my medication? Do I have to ration my supply and take maybe half the dosage each day—which we know hastens the onset of diabetes and hastens the virulence of diabetes; or some ask: Will I have to skip my medication altogether?

These are questions no American should have to ever ask, but this is the reality for far too many in this country. No American should have to go broke just to access the medicines they need to stay alive. So that is why the Senate should make the INSULIN Act a priority in the coming months.

Again, I want to thank Senators SHAHEEN and COLLINS for all their hard work in bringing this bill together. This has been a passion of both of theirs for a very long time. It has been a priority for many of us in this Chamber for years, and to have a bipartisan bill like this one is truly a breakthrough.

Very soon, I intend to have this bill come before the Senate so we can take decisive, much-needed steps toward lowering the cost of insulin for millions who need this drug to stay alive.

#### NOMINATION OF ARIANNA J. FREEMAN

Mr. President, finally on judicial nominees: As we continue moving forward on the first major gun bill in decades, the Senate will also proceed with confirming even more of President Biden's highly qualified judicial nominees. Later today, the Senate will move forward on the historic nomination of Arianna Freeman to serve as circuit judge for the Third Circuit.

Ms. Freeman would make history as the first Black woman ever to preside as an appellate judge on the Third Circuit, which is home to more than 3 million African Americans in the Northeast and the Virgin Islands, but which has had only five African-American judges in its entire history.

Her confirmation would be a long overdue step toward a more representative bench that is vital for the health of democracy.

And her qualifications—Yale Law School, clerkships for three Federal judges, and extensive experience as a Federal defender—should erase any doubt that she merits appointment to the bench. Normally, a nominee with Ms. Freeman's resume should command strong bipartisan support, so it was deeply regrettable that her nomination was locked in committee with an 11-to-11 vote. Nevertheless, we are proceeding with her nomination today. I have just moved to discharge her nomination out of the Judiciary Committee so we can bring her to a vote on the floor.

Again, a simple look at her resume shows she has the skills. We know she has the temperament and experience to make an excellent judge. And despite delays, the Senate is going to move her one step closer to confirmation today. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNITION OF MINORITY LEADER

The Republican leader is recognized.

## BIPARTISAN SAFER COMMUNITIES ACT

Mr. MCCONNELL. Yesterday, the Senate took a big step toward an important bipartisan bill to prevent mass murders, make schools safer, and protect the Second Amendment rights of law-abiding citizens. The bipartisan group, led by Senator CORNYN, put together a package of commonsense and popular solutions to make these horrific incidents less likely, and it does not so much as touch the rights of the overwhelming majority of American gun owners who are law-abiding citizens of sound mind.

I have spent my career supporting, defending, and expanding law-abiding citizens' Second Amendment rights. The right to bear arms, the right to defend one's self and one's family is a core civil liberty. Among other things, Senate Republicans spent years confirming a generation of Federal judges who understand that the Constitution and the Bill of Rights actually mean what they say.

The American people know that we don't have to choose between safer schools and our constitutional rights. Our country can and should have both. But throughout recent years, our Democratic colleagues have indicated they were not interested in substantial legislation to create safer communities if they didn't get to take massive bites out of the Second Amendment in the process. There have been attempts at bipartisan talks after horrible incidents in the past, but they fell apart when Democrats did not sign on to anything—anything—that did not roll back the Bill of Rights for law-abiding Americans.

Well, this time is different. This time, Democrats came our way and agreed to advance some commonsense solutions without rolling back rights to law-abiding citizens. The result is a product that I am proud to support. It will send more direct funding to community behavioral health centers and for mental health in schools. It will send money not just to States that decide to implement so-called red flag laws, but to every State to fund crisis intervention programs of their own choosing. And States that do not use the money for red flag laws will have to build in new due-process protections that have never been required before.

The bill also removes the blinders that have prevented the NICS background check system from considering young people with preexisting juvenile records. If a young teenager has been convicted of a violent crime or institutionalized for mental illness, there is no reason why that important record should be magically wiped away on their 18th birthday for the purpose of buying weapons. That information is clearly relevant, and 87 percent of Americans agree.

To be clear, this legislation has no new restrictions, bans, waiting periods, or mandates for law-abiding gun own-

ers of any age—no new restrictions, bans, waiting periods or mandates for law-abiding citizens of any age, including those aged 18 to 21. Someone who has never been convicted of a violent crime or adjudicated as mentally ill will not have their rights affected one iota. And a whole lot of schools and communities will receive more mental health funding to prevent crisis situations before they develop.

## JUDICIAL SECURITY

Mr. President, now on a related matter, speaking of safer communities, it would be nice if Attorney General Garland and the Department of Justice could do their jobs and enforce the Federal laws that Congress actually already has on the books.

For example, it is currently—right now—illegal to join a mob protesting outside the private family home of a Federal judge, including Supreme Court Justices. It is illegal right now to try to replace the rule of law with harassment and intimidation. What has been going on outside Justices' homes for weeks now is a Federal crime right now. But you wouldn't know it from the Justice Department's inaction.

First, the most prominent Democrats in America fan dangerous flames with intemperate rhetoric about the Court. Then House Democrats block a non-controversial Supreme Court security bill for weeks—weeks—until a literal assassination plot came to light. And all the while, Attorney General Garland still refuses to enforce existing Federal law and put a stop to these illegal pressure campaigns.

As Washington Democrats continue to stage hearings about political violence that took place a year and a half ago, their own side of the aisle is engaging in ongoing political violence as we speak.

In recent weeks, the entire country has been swept with vandalism, arson, and attacks directed at churches, pro-life organizations, and crisis pregnancy centers that serve and help women—going on all across the country. By one count, there have been more than four dozen incidents of vandalism, harassment, or violence committed by pro-abortion advocates since the shameful leak of a Supreme Court draft opinion.

The Department of Justice will not even condemn or stop illegal intimidation mobs today, leading to ask: Are they really prepared to protect the safety and civil rights of American citizens after the Court issues high-profile rulings?

Are local authorities here in Washington and around the country ready for what one far-left group is promising will be “a night of rage”—“a night of rage”?

Well, they had better be. I understand, yesterday, Attorney General Garland caught a flight to Ukraine. Now, I certainly support our efforts in Ukraine and was proud to meet with President Zelenskyy myself a month ago. As a U.S. Senator, I work directly

on foreign policy, but our head of domestic law enforcement ought to be a little more concerned with his day job.

## GAS TAX HOLIDAY

Now, Mr. President, on one final matter, this morning, the Biden administration announced another ineffective stunt to mask the effects of Democrats' war on affordable American energy: calling for a holiday on the Federal gas tax.

This ineffective stunt will join President Biden's other ineffective stunt on gas prices: emptying out the Strategic Petroleum Reserve that we need in the event of a true national security crisis, not just a Democratic-fueled inflation crisis. This ineffective administration's big, new idea is a silly proposal that senior members of their own party have already shot down well in advance.

Earlier this year, Speaker PELOSI said President Biden's idea “[wouldn't] even [be] going to the consumers.” She called it “very showbiz.”

Larry Summers, a top economist to multiple Democratic Presidents, said the idea would be “shortsighted, ineffective, goofy, and gimmicky.” That is Larry Summers.

Jason Furman, President Obama's former head of the Council of Economic Advisers, said just yesterday—yesterday:

Whatever you thought of the merits of a gas tax holiday in February, it is a worse idea now . . . A gas tax holiday would also add to inflation.

Jason Furman, yesterday.

Back in 2008, then-Candidate Obama called the idea “a gimmick [that would] save you half a tank of gas over the course of the entire summer so that everyone in Washington can pat themselves on the back and say they did something.”

Look, a recent study of past gas tax holidays found that less than 20 percent of the amount ends up actually lowering prices at the pump. In other words, lifting an 18.4-cent gas tax would mean lowering Americans' gas prices by just 3 or 4 cents—3 or 4 cents.

The price of gas has risen \$2.60 since the Biden administration took office and launched its holy war on affordable American energy. There had already been a substantial increase before the conflict in Ukraine escalated. Now the President wants to trim 3 cents—3 cents—off the top and take a bow? I don't think so.

Tomorrow, Secretary Granholm will continue the empty theater by holding an “emergency meeting” with domestic energy refiners. Presumably, this will involve another leftwing browbeating like the accusatory letter President Biden sent to domestic producers just last week. The same administration—the same one—that hasn't awarded a single offshore energy lease, that hasn't offered an onshore lease sale in five straight quarters, and that has taken every single opportunity to slow-walk new energy infrastructure into submission appears to have found

a convenient scapegoat for the consequences of its own actions.

Actually, I have a better idea: Democrats could stop setting off inflationary spirals, stop proposing massive tax hikes on the brink of a recession, stop waging a holy war against American fossil fuels, and stop applauding the pain that working families are feeling as part of some grand, leftwing "transition."

The PRESIDING OFFICER. The Senator from Hawaii.

#### NATIVE AMERICAN BOARDING SCHOOLS

Mr. SCHATZ. Mr. President, last month, the U.S. Department of the Interior released an investigative report on our country's Indian boarding school system. From 1819 to 1969, more than 400 of these schools operated across what today are 37 States. The Indian boarding school era is one of the darkest periods in American history and one that we as a nation have not properly reckoned with.

For nearly two centuries, the U.S. Government took Native American children as young as 6 from their families and sent them to boarding schools, but these schools were not solely for the purpose of teaching the children. They humiliated these children, and they harmed them. Indian children were forced to change their names, to cut their hair, to stop speaking their Native languages. They did military drills three times a week. Every day, they were assigned hours of grueling work that violated child labor laws: They had to raise livestock, sew clothes, work on the railroads. Those who resisted were punished with whippings and solitary confinement. Those who resisted were punished with whippings and solitary confinement. Often, older children were forced to punish the younger ones.

The conditions of these schools were awful: three to a bed, dirty water, no working plumbing. Disease and malnourishment were common. Physical and sexual abuse was rampant. We don't know how many children died at these U.S. Government-funded and -run schools, but the Interior Department estimates that the number is in the tens of thousands.

And all of this occurred for one reason—to steal Native land.

As far back as the 1700s, U.S. Government policy was officially to dispossess and break Tribes so their territories could be taken for American expansion. Erasing Native culture through assimilation was key to this.

As one official said, "The love of home and the warm, reciprocal affection existing between parents and children are among the strongest characteristics of the Indian nature."

So the Federal Government acted accordingly. The Departments of War and Interior oversaw this forced assimilation. Congress passed laws appropriating school funding to "civilize" Native children. When families refused to send their kids to these schools, Congress made the food rations that

were negotiated in treaties contingent on their doing so. To fill the schools, the government enlisted religious organizations, paying them on a per-child basis. A majority of this money came from Federal Indian trusts—money that was supposed to help the Tribes—and the Supreme Court ruled that all of this was legal at the time.

The result of these actions was a multi-generational trauma for American Indian, Alaska Native, and Native Hawaiian communities and families that continue to this day. Adults who attended boarding schools are more likely to have everything from arthritis to depression. They are three times as likely to have cancer. Studies have found worse health outcomes for the ancestors of people who went to these schools, and there are 53 known child burial sites and an unknown number yet to be discovered.

We can't undo this history, but we have to acknowledge it. That starts with examining the full scope of this atrocity unflinchingly, with clear minds and with fresh eyes. We need to keep investigating Indian boarding schools, and the findings should be taught in every school and be known by every future generation of Americans. As recommended in the report from the Department of the Interior, we must also support Native language revitalization. We cannot continue to neglect these programs and further erase Native culture.

We have to understand and undertake a path toward healing, not in the abstract but in a concrete and meaningful way. We must work hand in hand with Native communities on a respectful and restorative process. We have to empower these communities through increased Federal investments in Native healthcare and housing and economic development. We must reject our centuries-long pattern of Native suppression and, instead, begin one of reconciliation. We owe the survivors of the Indian boarding school era, their families, and their communities nothing less.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 45TH ANNIVERSARY OF THE TRANS-ALASKA PIPELINE SYSTEM

Ms. MURKOWSKI. Mr. President, I have come to the floor this morning to recognize and commemorate the 45th anniversary of the first oil moving through the Trans-Alaska Pipeline System. We actually reached that milestone on Monday so I am here to speak this morning about what this 800-mile-long pipeline continues to mean for Alaska, our Nation, and really the world itself.

TAPS, the Trans-Alaska Pipeline, is truly a modern marvel. It is the backbone of my home State's economy. It supports great jobs for Alaska. It helps generate critical revenues for our State. It ensures that our energy is transported safely, and it really is a vital component of America's energy security. But I think it is kind of nice, as we reflect on decades past, to appreciate some of the history behind the Trans-Alaska Pipeline because, for a period of time, there was a question of whether or not this extraordinary energy infrastructure would be built at all.

After oil was discovered in Prudhoe Bay, there was vigorous debate as to how we were going to move this resource, how we were going to transport it. Some wanted to use trucks or tankers; others actually thought that massive jets would be the way to go. There were some who wanted to build an overland pipeline across Canada. That would have been about a 3,200-mile line in length. But, thankfully, it was an all-Alaska pipeline route that prevailed.

So when you look at the map of Alaska and where our pipeline sits today, it truly does just bisect the entire State of Alaska. From Prudhoe to Valdez at Tidewater is an 800-mile line. Thankfully, an all-Alaska pipeline route was the one that ultimately prevailed over all of the alternatives that were considered. Congress authorized it in 1973—an overwhelmingly bipartisan basis of authorization.

There is an interesting side story—it is actually not a side story; it is pretty pivotal—in terms of whether or not this Trans-Alaska Pipeline actually came into being. But it was a tie-breaking vote cast by Spiro Agnew that really helped to facilitate the line because it effectively determined that there would be no further litigation about the line moving forward.

The preconstruction process for TAPS lasted for about 6 years, mostly concurrent with the final passage of its authorization act; and as part of that, the Federal Task Force on Alaskan Oil Development—this is a group that we should probably be bringing back—completed a six-volume environmental impact statement, so a six-volume EIS.

And that EIS, along with Congress's decision to shield TAPS from litigation—again, this tie-breaking vote that I have alluded to—allowed the construction to begin. So it did.

Several companies joined together to form a joint venture, called Alyeska, and they set forth to build and operate the line. And Alyeska ultimately acquired 515 Federal permits, along with more than 832 from the State of Alaska, in order to proceed.

Now, at that time, TAPS was the largest private construction project of its kind. It had a pricetag of more than \$8 billion. In October of 1975, more than 28,000 people were working to make it a reality, and together they turned over 100,000 pieces of 40- to 60-foot pipe in a